

New York Law Journal

Tuesday, April 9, 2002

City Council Budget Targets Legal Work

By Daniel Wise

The New York City Council yesterday offered a radically different set of priorities for the handling of the city's legal work in its response to Mayor Bloomberg's plan to close a projected \$4.8 billion budget deficit.

The City Council plan would increase by nearly 50 percent - to \$80.4 million - the amount of funding Mayor Bloomberg proposed for the Legal Aid Society by sharply curtailing compensation for court-appointed lawyers under the 18-B program.

The City Council plan would also reduce to 2 percent the Bloomberg plan's 7 percent cut for District Attorney's Offices citywide.

The City Council's proposal for the 650-lawyer Corporation Counsel's Office would slash its budget by 10 percent - or \$10.2 million - to \$92 million. In contrast, Mayor Bloomberg's budget plan called for a modest 3.8 percent in the Corporation Counsel's budget, leaving the office relatively untouched in comparison to most other mayoral agencies.

Council aides said yesterday that they did not have a head count for the cuts at the Law Department, but that the City Council plan is tilted towards the elimination of legal positions, which at 10 percent would require the layoff of more than 65 lawyers.

At the same time, the City Council plan envisages dramatic cuts in the legal departments of many city agencies with a view to transferring the work to the Law Department. The plan also calls for the elimination of the Mayor's Office of Contracts, which would save \$1.8 million, and the transfer of the legal work done by that agency to the Corporation Counsel's Office.

Council aides did not have a total for the savings that would be realized in city agency legal departments through its plan. But, they said, the proposal would save \$10 million by eliminating more than 300 lawyers at the Administration for Children's Services, many of whom prosecute neglect and abuse cases in Family Court.

Jack Deacy, a spokesman for Administration for Children's Services, was unavailable for comment.

Council aides also identified steep cuts in the legal departments of other agencies: all 40 lawyers at the Department of Correction for a savings of \$2 million; 21 of 28 lawyers at

the Department of Sanitation, saving \$945,000; and seven of 10 lawyers at the Department of Buildings, \$451,000 in savings.

Asked how the Corporation Counsel's Office could take on the expanded work while its own legal staff was being cut, Thomas L. McMahon, the general counsel of the City Council, said that in view of the city's "terribly difficult fiscal circumstances," the City Council plan provides a better way of "managing the city's work force given the resources we have."

Kate Ahlers, a spokeswoman for Corporation Counsel's Office, said that her office had not yet received the City Council's plan and could not comment.

The administrative savings proposed by the City Council through the elimination of the Office of Contracts and many agency legal positions were part of \$559 million the Council proposed to save through "consolidation and efficiency" in management.

In total, the City Council proposed realizing \$1.65 billion through savings and increased fees, including restoration of the commuter tax, to fund its own initiatives and offset some of the cuts proposed by Mayor Bloomberg in his preliminary budget on Feb. 13.

Legal Aid Would Gain

One of the most dramatic changes in priorities proposed by the City Council would shift \$25.6 million from funding for court-appointed lawyers to the Legal Aid Society. In a document released yesterday to justify its reordered priorities, the Council contended that Legal Aid can achieve greater economies of scale than lawyers appointed pursuant to Article 18-B of the County Law. The Council document also noted that "inexplicably" 18-B lawyers are handling 50 percent of the indigent criminal cases in New York City, even though their mandate is to handle only multi-defendant cases where the Legal Aid Society had a conflict.

In past years, the City Council had consistently added \$5.6 million to the \$54.7 million proposed for the Legal Aid Society by former Mayor Giuliani, bringing the total to just a shade over \$60 million. But this year for the first time, the Council is proposing shifting more than \$20 million in funds earmarked by the Mayor for 18-B lawyers to the Legal Aid Society, which would increase its total funding to \$80.4 million. That would reflect a jump in its current finding of about one-third.

Meantime, the City Council proposed slashing the Mayor's allocation of \$62.8 million for 18-B lawyers by 66 percent, to \$21.4 million.

Will Consider Proposal

City Criminal Justice Coordinator John Feinblatt expressed a willingness to look at the Council's proposal. "In tough economic times," he said, "we are willing to look at any proposal to reallocate scarce resources."

The Council would restore - and slightly increase - funding for two agencies that handle legal work for indigent criminal defendants that Mayor Bloomberg proposed to eliminate in his preliminary budget. The Council would allocate \$4 million to Neighborhood Legal Services, which is based in Harlem, and \$1.8 million to the Office of the Appellate Defender, which handles appeals for indigent criminal defendants in the First Department.

The Council proposal would tamp down the 7 percent cut that Mayor Bloomberg proposed for the city's five district attorneys to 2 percent. The Mayor had estimated that a cut of 7 percent would reduce city spending for its district attorneys from \$231 million to \$215 million, for a savings of \$16 million.

The Council's documents did not itemize the savings projected at the 2 percent level, but using the Mayor's figures, a 2 percent cut would result in budget for prosecutors of \$226.4 million and a savings of \$4.6 million.

The Council budget would also restore \$7.4 million in city funding for civil legal services work done by the Legal Aid Society and Legal Services for New York City, which the Mayor had proposed cutting.